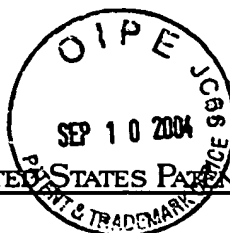


09-13-04

SPW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/622,224	07/18/2003	Steven J. Iseberg	10841US07

CONFIRMATION NO. 4645

23446
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

FORMALITIES LETTER



OC000000013482083

Date Mailed: 08/09/2004

NOTICE OF INCOMPLETE REPLY (REISSUE)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 05/18/2004 to the Notice to File Missing Parts (Notice) mailed 03/18/2004 and it has been entered into the reissue application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this reissue application will be the date of receipt of the items required above.

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.
- Consent of assignee is missing. 37 CFR 1.172 requires that a reissue oath/declaration be accompanied by the written consent of all assignees.
- The reissue specification has not been provided in the form of a copy of the printed patent. Each page should be in double-column format and on only one side of each sheet of paper, as is required by 37 CFR 1.173(a)(1).
- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

09/14/2004 HME:KONEN 00000112 10622224

01 FC:2051

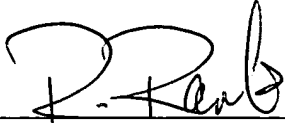
65.00 OP

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents

*Note - This application is being processed as a Reissue.

P.O. Box 1450
Alexandria VA 22313-1450

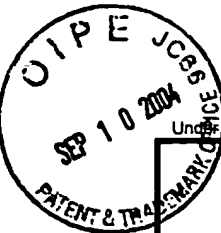
A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/622,224
		Filing Date	July 18, 2003
		First Named Inventor	Steven J. Iseberg
		Group Art Unit	2643
		Examiner Name	unknown
Total Number of Pages in This Submission	21	Attorney Docket Number	10841US07

ENCLOSURES (check all that apply)

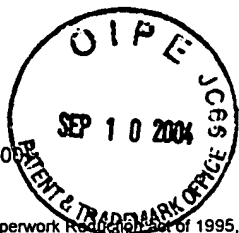
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request (4-month) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO 1449/08A with references <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Notice of Incomplete Reply (Reissue) Copy of Notice of Incomplete Reply (Reissue) Copy of Patent No. 5,887,070 Copy of assignee's statement, consent and offer to surrender Return-receipt post card
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	McAndrews Held & Malloy, Ltd.		
Name (Print/type)	Timothy L. Harney	Registration No. (Attorney/Agent)	38,174
Signature			Date: September 10, 2004

EXPRESS MAIL DEPOSIT

"Express Mail" mailing label number : EV 303832831 US
Date of Deposit September 10, 2004.



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003 Patent Fees are subject to annual revision.		Complete if Known	
		Application Number	10/622,224
		Filing Date	July 18, 2003
		First Named Inventor	Steven J. Iseberg et al.
		Examiner Name	Unassigned
		Group Art Unit	2643
TOTAL AMOUNT OF PAYMENT		Attorney Docket No.	10841US07
(\$805.00)			

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																																																		
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> Deposit Account Number: 13-0017 Deposit Account Name: McAndrews Held & Malloy </div> <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other	3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>65.00</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>410</td> <td>2252</td> <td>205</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>930</td> <td>2253</td> <td>465</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,450</td> <td>2254</td> <td>725</td> <td>Extension for reply within fourth month</td> <td>740.00</td> </tr> <tr> <td>1255</td> <td>1,970</td> <td>2255</td> <td>985</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>320</td> <td>2401</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>320</td> <td>2402</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - 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late filing fee or oath	65.00	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	410	2252	205	Extension for reply within second month		1253	930	2253	465	Extension for reply within third month		1254	1,450	2254	725	Extension for reply within fourth month	740.00	1255	1,970	2255	985	Extension for reply within fifth month		1401	320	2401	160	Notice of Appeal		1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility issue fee (or reissue)		1502	470	2502	235	Design issue fee		1503	610	2503	315	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))		1801	750	2801	375	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify) _____				
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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Timothy L. Harney	Registration No. (Attorney or Agent)	38,174
Signature		Telephone	312-775-8000
		Date	September 10, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Attorney Docket No.: 10841US07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

ISEBERG ET AL.

Serial No.: 10/622,224

Filing Date: July 18, 2003

For: **HIGH FIDELITY INSERT
EARPHONES AND METHODS OF
MAKING SAME**

Examiner: Not Assigned

Group Art Unit No.: 2643

Confirmation No.: 4645

EXPRESS MAIL

Label No. **EV 303832831 US**

Date of Deposit: **September 10, 2004**

RESPONSE TO NOTICE OF INCOMPLETE REPLY (REISSUE)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Initial Patent Examining Division

Dear Sirs:

In response to Notice of Incomplete Reply (Reissue) dated August 9, 2004,
Applicants enclose the following:

- (1) the late filing fee or oath or declaration surcharge as set forth in 37 C.F.R. 1.16(e) of \$65.00;
- (2) a copy of the Assignee's Statement under 37 C.F.R. 3.73(b); Assent to Reissue; and Offer to Surrender the Original Letters Patent, previously filed August 7, 2000 in the parent application;
- (3) a copy of the printed patent (U.S. Patent No. 5,887,070, issued March 23, 1999) previously surrendered in the parent application;
- (4) a copy of the Notice of Incomplete Reply (Reissue); and
- (5) Applicants' petition for a 4-month extension of time with the appropriate fee.

REMARKS


Applicants hereby submit copies of the Assignee's Statement under 37 C.F.R. 3.73(b); Assent to Reissue; and Offer to Surrender the Original Letters Patent, and a copy of the printed patent (U.S. Patent No. 5,887,070) both of which were previously submitted in the parent application (U.S. Serial No. 09/489,441, now Reissue Patent No. 38,351 issued December 16, 2003). In addition, Applicants submit the late filing fee or oath or declaration surcharge as requested in the Notice of Incomplete Reply (Reissue) dated August 9, 2004.

In view of the foregoing, it is respectfully submitted that all items necessary to avoid any processing delays as set forth in the Notice of Incomplete Reply (Reissue) dated August 9, 2004 and the Notice to File Missing Parts of Reissue Application dated March 18, 2004 have been timely submitted. Should there be any other outstanding items, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Please grant any needed extension of time and charge any required fees not paid herewith or put any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: September 10, 2004

Respectfully submitted,



Timothy L. Harney
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